IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19554 of 2004

Between:

Bashyam Chinnaraj, s/o R.Bhashyam,
r/o Katavaram, Seethanagaram Mandal, East Godavari District.

..... PETITIONER

AND

1 General Manager, Personnel Admn.Department,
UCO Bank (Head Office), 12 Old Court Street,
Kolkata-1, West Bengal State.
2 Regional Manager, UCO BANK,
3-6-10, 1st Floor, Himayathnagar,
Hyderabad-29.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not paying the gratuity vide letter dt.14-12-2000 issued by the 2nd respondent as illegal, null and void and violative of Art.21 of Constitution of India and for a consequential order directing the respondents to pay the gratuity to the petitioner with interest @ 12% per annum from the date of retirement of the petitioner and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: MR.V.AJAYAKUMAR

The Court made the following :

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ORAL ORDER

The petitioner worked in the first respondent-Uco Bank. He was compulsorily retired on 13-05-1999. The petitioner contends that he is entitled for gratuity. But, he was informed by the 2nd respondent through the letter dated 14-12-2000, which reads as follows::

> "We refer to Head Office letter No.PER/ER/GF/2000/63 dated 01-12-2000 on the captioned subject and wish to inform you that the competent authority has declined to make the payment of Gratuity to you".

The petitioner after four years of receipt of the order realized that injustice has been done to him by not releasing the amount of gratuity payable to him. Therefore, he approached this Court through this writ petition seeking to declare that the order of the 2nd respondent dated 14-12-2000 as illegal and violative of Article 21 of the Constitution of India. Though, this is a belated petition filed by the petitioner, if there is any right vested in the petitioner entitling him to receive any gratuity, it cannot be denied by the respondents without assigning any reason. The impugned order is not indicating as to why the petitioner was denied the gratuity.

In the light of the above circumstances, the respondents are directed to examine the case of the petitioner and consider whether he is entitled for any gratuity as per the rules in force. If the petitioner is not entitled for gratuity, the respondents are directed to mention the reasons under which he is declined the payment of gratuity and communicate the same to the petitioner with in two months from the date of receipt of a copy of this Order.

The Writ Petition is accordingly disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 26th October, 2004.

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To

1. The General Manager, Personnel Admn.Department,
   UCO Bank (Head Office), 12 Old Court Street,
   Kolkata-1, West Bengal State.

2.The Regional Manager, UCO BANK,
   3-6-10, 1st Floor, Himayathnagar,
   Hyderabad-29.

3. Two C.D.Copies